

cost money, but it is absolutely necessary, based on what happened on the 6th of January.

I look forward to helping lead this bipartisan effort, and I urge my fellow Members of Congress to join in.

Again, I don't want to prejudge our review, but I know among the findings we will make is a finding that the officers on the line were heroic, and those officers deserve our gratitude.

We must never forget those who lost their lives that night, including a law enforcement officer and member of the Capitol Police, Officer Brian Sicknick, who, since 2008, had patrolled these halls and had been a familiar face to many of us. He was tragically killed defending this Capitol. He gave his life in heroic defense of us and our democracy.

Only a couple of days after the attack, I learned the tragic news that we lost another officer, a friend, Officer Howard Liebengood. Howie was on duty the day the Capitol was attacked and responded to the attack just as his many brave comrades did. He experienced some difficult experiences that night. I was devastated to learn of his death the next day.

Howie was someone I used to see almost every day. He was usually stationed in the Russell Building, where my office is located. He was an utmost professional—someone who took great pride in his work and had an ironclad commitment to keeping people safe. His dad was Sergeant at Arms here at one time.

He brightened my day every time I saw him. The last time was a few weeks ago, when he was standing guard outside the doors to the Russell Building, alone in the cold, alert, vigilant, and good-humored.

Today I reread a letter that I wrote to the Chief of the Capitol Police several years ago, commending the exceptional work of Howie and his partner, Chris Gallo, for their "professionalism, coupled with their kind demeanor."

Howie represented what is great and good about not just our police force but our country.

Rest in peace, Officer Brian Sicknick and Officer Howard Liebengood.

Through the tragedy of that day 2 weeks ago came other stories of bravery and valor too. We have heard about the heroic actions of Officer Eugene Goodman, an Army veteran whose quick thinking under intense pressure protected us here in this Senate Chamber by leading the mob away from the Chamber while many of us were still inside.

He unselfishly put himself in danger and, despite the risk, handled himself with the professionalism that defines the Capitol Police, and I was pleased to see his promotion.

Officer Goodman's heroic efforts are, to me, representative of the actions of all the brave officers of the Capitol Police, who, on that day of violence and lawlessness, held the line against the mob.

I am proud of another member of the Capitol Police. This is the supervisor. Inspector Tommy Lloyd is commander of the Capitol division—as compared to the House and the Senate, commander of the division to protect the Capitol itself.

This is a powerful photograph that I saw in *TIME* magazine. It is a photograph of him facing the mob, shoulder to shoulder with his line officers.

The Capitol was breached, but because of the valor of these men and women, we were able to complete our job and are able to be here today, discussing the workings of our democracy, confirming members of the new administration, doing our job.

The actions of law enforcement in the Capitol should serve as a reminder to all of us of the risks our police officers take every single day to keep us safe—not just here in the Capitol but around the country. On Monday, for example, the city of Toledo, OH, lost one of its own when Officer Brandon Stalker of the Toledo Police Department was killed in a standoff with a gunman. Officer Stalker, only 24 years old, was the father of two young children and engaged to be married. He had a promising life ahead of him. My thoughts are with the friends and families of Officer Stalker and the friends and families of Officers Sicknick and Liebengood during this difficult time.

Even with all the threats and challenges they face, our officers of the law here and around the country carry on in their duties to protect and to serve. They are truly the best of America. Officer Stalker's fellow officers will continue to patrol the streets of Toledo to keep its citizens safe. Yesterday, despite the hardships they have faced, the Capitol Police, once again, lined the Halls of Congress, keeping watch over the inauguration of the next President and Vice President of the United States.

Together, the National Guard, the Capitol Police, the Secret Service, and other law enforcement protected a Presidential inauguration that was at once like none other in recent memory, and yet also a continuation of a long and great tradition—an unbroken chain of peacefully transferring power that our Nation has cherished since 1789. They did their duty, as they do every day, in defense of the values we Americans hold dearest—democracy, liberty, rule of law—and we all owe them a debt of gratitude.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 335

Mr. SCHUMER. Madam President, I will be, in a moment, asking for unanimous consent that we do the waiver on the Secretary of Defense, and we will vote on that relatively shortly, the Members should be aware.

So, Madam President, I ask unanimous consent that when the Senate re-

ceives H.R. 335 from the House, that the Senate proceed to its immediate consideration; that there be 30 minutes for debate; that the bill be considered read a third time; and that the Senate vote on the passage of the bill, with 60 affirmative votes required for passage; and that the motion to reconsider be considered made and laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Madam President, just to clarify for the Members, we expect this vote to occur sometime within the next hour.

I yield the floor.

#### LEGISLATIVE SESSION

#### PROVIDING FOR AN EXCEPTION TO A LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of H.R. 335, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 335) to provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces.

The PRESIDING OFFICER. There will now be up to 30 minutes of debate on the bill.

Ms. COLLINS. Madam President, I rise today in opposition of the legislative waiver for the nominee to become the next Secretary of Defense.

Since the inception of our Republic, civilian control of our military by democratically-elected civilians has been fundamental to American Government. This principle was firmly established as General George Washington famously resigned his commission to the Continental Congress in 1783, when he might have easily positioned himself as the leader of the fledgling American Government instead. With this bedrock principle in mind, Congress in 1947 established a limitation on former military generals serving as Secretary of Defense without a sufficient number of years in civilian life. Today, Active-duty military members must have been retired for at least 7 years before becoming eligible to serve as Defense Secretary.

Four years ago, despite great concern for what I saw as an erosion of the principle of civilian control of our military, I voted in support of granting a "one-time exception" to the statutory requirement for the confirmation of Gen. James Mattis. Until Congress

granted a waiver of this requirement in 2017 for General Mattis, Congress had approved a waiver only once before, in 1950 for General George Marshall. With the nomination of Gen. Lloyd Austin, what I had thought would be a once-in-a-generation waiver in 2017 now appears to be the start of an unwelcome trend.

To be clear, I do not believe that General Austin himself poses a specific risk to the civilian control of our military. By all accounts, he is a dedicated public servant and patriot with more than 40 years of successful military service. However, I do not believe that President Biden has offered a strong enough justification for granting another legislative waiver in so short a time.

Should a waiver for his service be approved over my objections, which appears likely to occur, I intend to support General Austin's nomination based on his merits and qualifications. Over the course of his long and distinguished career, including as commander of U.S. Central Command during one of the region's most challenging periods for the United States, he has served with professionalism and diligence and has earned the trust of President Biden.

General Austin has committed to uphold the principle of civilian control of the military and pledged to ensure civilian leadership and oversight over the Pentagon's strategic and operational planning. I commend General Austin for once again answering the call to serve, and I look forward to working with him to rebalance our civil-military relations toward civilian control.

In November 2018, the congressionally appointed National Defense Strategy Commission concluded that, "There is an imbalance in civil-military relations on critical issues of strategy development and implementation. Civilian voices appear relatively muted on issues at the center of U.S. defense and national security policy." Losing this civilian perspective can have profound, long-term strategic impacts on the Pentagon and our national security policy.

There are many reasons for this trend toward unbalanced civil-military relations in recent years, including the failure of the prior administration to adequately fill Senate-confirmed positions at the Pentagon, instead relying on acting officials with limited ability to assert themselves within the department.

We have also seen a troubling increase in the politicization of our military. For example, hundreds of retired generals and admirals signed public letters of support for Presidential candidates in 2020, with both campaigns competing for the most military endorsements. That was coupled with a growing trend toward political expression among the ranks on social media and elsewhere; in at least one instance, servicemembers in uniform were featured at one of the national Presidential nominating conventions. It is

imperative that military officers do not come to view their commands as auditions for future political appointments or opportunities to curry favor with civilian political leaders.

As Dr. Lindsay Cohn, a professor at the U.S. Naval War College, stated during the recent Senate Armed Services Committee hearing examining civilian control of the Armed Forces, civilian control of our military is not necessarily an on-off switch. It is a web of institutions, norms, practices, and understandings which can be weakened or strengthened. Recently, we have begun to see the principle of civilian control of the military weakened and degraded.

In my view, Congress must not simply acquiesce to that growing trend. I do not believe it would be wise to allow the exception to swallow the rule when it comes to such a foundational principle of our Republic as civilian control of the military.

Mr. VAN HOLLEN. Madam President, I rise today to once again oppose a waiver to bypass U.S. law and allow a recently retired member of Armed Forces to serve as our Secretary of Defense. On the merits, I support the nomination of Lloyd Austin, and I believe that Mr. Austin is highly qualified for this role. However, the importance of civilian leadership at the Department of Defense is greater than any individual nominee.

The subordination of military authority to civil authority is a bedrock principle of our democracy. In 2017, when I voted against a waiver to allow James Mattis to serve as Secretary of Defense, I stressed that our Founders' emphasis on civilian leadership distinguished the young United States from the other nations of the time. I also noted that in enacting the exception for General Marshall in 1950, Congress expressly stated that: "the authority granted by this Act is not to be construed as approval by the Congress of continuing appointments of military men to the office of Secretary of Defense in the future. It is hereby expressed as the sense of the Congress that after General Marshall leaves the office of secretary of defense, no additional appointments of military men to that office shall be approved."

I still believe that the 7-year waiting period is a valuable practice—one of many—that preserves our Nation's long tradition of placing civilian authority above military authority. In 2017, I said "should Congress vote to waive this law at this moment in time, I will review the nomination [ . . . ] on its individual merits." And I intend to apply my words then to my actions now and will consider Mr. Austin's nomination on its merits when it comes to the floor for a vote.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I would ask unanimous consent to yield back all time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will read the title of the bill for the third time.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall the bill pass?

Mr. REED. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Kansas (Mr. MORAN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Kansas (Mr. MORAN) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or change their vote?

The result was announced—yeas 69, nays 27, as follows:

[Rollcall Vote No. 4 Leg.]

#### YEAS—69

Bennet	Hagerty	Paul
Blunt	Hassan	Peters
Boozman	Heinrich	Portman
Braun	Hickenlooper	Reed
Brown	Hirono	Risch
Cantwell	Hoeven	Romney
Capito	Inhofe	Rounds
Cardin	Johnson	Sanders
Carper	Kaine	Schatz
Casey	Kelly	Schumer
Cassidy	Kennedy	Scott (SC)
Coons	King	Shaheen
Cornyn	Klobuchar	Shelby
Cramer	Lankford	Sinema
Crapo	Leahy	Smith
Cruz	Lujan	Stabenow
Daines	Manchin	Sullivan
Durbin	McConnell	Thune
Ernst	Menendez	Tuberville
Feinstein	Murkowski	Warner
Fischer	Murphy	Warnock
Graham	Ossoff	Whitehouse
Grassley	Padilla	Wicker

#### NAYS—27

Baldwin	Gillibrand	Rubio
Barrasso	Hawley	Sasse
Blackburn	Lee	Scott (FL)
Blumenthal	Lummis	Tester
Booker	Markey	Toomey
Collins	Marshall	Van Hollen
Cortez Masto	Merkley	Warren
Cotton	Murray	Wyden
Duckworth	Rosen	Young

#### NOT VOTING—4

Burr	Moran
Hyde-Smith	Tillis

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the bill is passed.

Under the previous order, the motion to reconsider is considered made and laid upon the table.

The bill (H.R. 335) was passed.

The PRESIDING OFFICER. The Senator from New Jersey.

#### MORNING BUSINESS

Mr. MENENDEZ. Madam President, I ask unanimous consent that the Senate be in a period of morning business,